

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
vs.)	Criminal No. 00-111
)	
ERIC LISH SWAN)	

ORDER

In this criminal case, the Defendant, Eric Lish Swan, was charged with possession of a firearm by a convicted felon in violation of 18 U.S.C. § 922(g)(1). The Defendant pled guilty to the charge, and, on March 21, 2002, he was sentenced to 73 months' imprisonment to be followed by 3 years of supervised release. On January 20, 2006, the Defendant was released from custody and began his term of supervised release.

On April 16, 2007, the United States Probation Office filed a petition for revocation of the Defendant's supervised release based on the Defendant's alleged violation of several conditions of supervision, *i.e.*, the condition prohibiting the Defendant from committing another Federal, state or local crime and the condition requiring the Defendant to report to the Probation Office as directed and to submit written monthly reports. Because the Defendant's whereabouts were unknown at the time the revocation petition was filed, the United States Probation Office sought an Order of Court directing the issuance of a bench warrant for the Defendant's arrest. On April 17, 2007, the Court

signed an Order for issuance of a bench warrant and set the Defendant's bond at \$10,000.00.


On September 4, 2007, the Defendant's counsel filed a Motion for Release Pending Hearing on Petition on Supervised Release in which he represented that the Defendant had been incarcerated at the Allegheny County Jail on state charges; that the federal warrant issued in connection with the United States Probation Office's revocation petition had been lodged as a detainer against the Defendant; that the Defendant's bond on the state charges was reduced, permitting his release from custody but for the federal detainer; and that a charge of simple possession of narcotics is scheduled for trial in state court in November 2007 and a trial for charges of burglary and trespass is scheduled for December 2007.¹ The Defendant seeks release from custody pending the disposition of the state charges and a final hearing on the United States Probation Office's petition for revocation of supervised release. The government opposes the Defendant's requested release from custody.

After a hearing at which the government presented testimony from the Defendant's Probation Officer, John P. Kuklar, the Court concludes that the Defendant's motion for release pending disposition of the state charges and a final hearing on the

1. During the hearing on the Defendant's motion for release, defense counsel represented that one of the state cases against the Defendant was scheduled for trial in November 2007, while the other state case has been scheduled for arraignment, rather than trial, in December 2007.

United States Probation Office's petition for revocation of supervised release should be denied without prejudice to the Defendant's right to renew the motion following resolution of the state charge that is presently scheduled for trial in November 2007, and subject to the \$10,000.00 bond which was set by this Court on April 17, 2007.

AND NOW, this 26th day of September, 2007, IT IS SO ORDERED.


William L. Standish
United States District Judge

cc: Counsel of Record
U.S. Probation Office
U.S. Marshal